

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 24, 1953  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

## Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Absent: None

Present also: W. T. Williams, Jr., Acting City Manager; C. G. Levander, Director of Public Works; Robert E. Burns, Assistant City Attorney; W. T. Blodgett, Administrative Assistant. The City Manager, Mr. W. E. Seaholm, was out of town, attending the International City Managers' Association.

The Invocation was delivered by REV. M. H. BURTON, Shettles Memorial Methodist Church.

MR. M. H. CROCKETT outlined a problem he had with getting a permit for a building enlarging a building on South Congress, stating he would not be permitted to construct a building as he planned due to restrictions in the Building Code. The Building Inspector explained the provisions, and stated he had suggested the methods that could be used and still comply under the ordinance. Members of the Council were in sympathy with the individual case, but suggested that Mr. Crockett follow the plans that would be in compliance with the ordinance.

The Council received a petition from MR. EARL WILEY, signed by 226 citizens, requesting that the Govalle Bus be continued up Gunter to the Webberville Road down Springdale, for the convenience of schedl children in this section, and also for a light at Gunter and Airport Boulevard, and a new bridge at Webberville and Springdale Roads. The Mayor stated the Council would look into this situation and give him a report in two weeks.

Pursuant to published notice thereof, public hearings were held on the following applications for change of zoning:

MRS. GAY WELCH &		From "B" Residence
MRS. JEWELL E. BROWN	1006-08 W. 12th St.	To "C" Commercial
		RECOMMENDED by the Planning Commission

No opposition appeared. The Mayor asked that those who favored upholding the recommendation of the Planning Commission to vote "aye"; those opposed to vote "no".

Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The Mayor announced that the change had been granted, and that the City Attorney would draw the necessary ordinance.

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EMMA MILLER EXLINE,		From "C" Commercial
By T. E. O'Quinn	3406 Jefferson	To "C-1" Commercial
		RECOMMENDED by the Planning Commission

MR. T. E. O'QUINN represented the applicant, and referred to a petition signed by 590 persons stating they had no objection to the change of zoning. Some of the people lived near by. He referred to the petition to show the demand for the additional merchandise.. MR. WILLIAM SHIVE, owner of the property abutting the 7-11 Store, presented a petition signed by property owners within 300' of the location opposing the change of zone in that it would decrease the value of their property; would increase traffic which is already congested; this area was a residential area near churches and schools, and the petition asked the Council to deny this request of zone change. REV. MAC BARTEE, Brykerwood Church of Christ, presented a petition asking denial of the change of zoning because of the proximity of the location to the church; because the sale of beer would not be conducive to the principles for which the church stood; the sale of beer would be offensive to the consciences of those who worship God at that church; the sale of beer would cause a decrease of value of the property; a tavern could be erected at this location; and the action of the Council to give right of sale of beer in this area would seriously jeopardize the influence of the Church; and the action of the Council to give right of sale of beer in this area would destroy their faith in the Council. MR. R. E. LEDBETTER, representing the PTA in Brykerwoods, submitted a petition asking rejection of this change of zoning.

Councilman Thompson stated that since the law permitted the sale of beer only because it was the will of the majority of the people, that the privilege should be permitted to distribute it, although his own personal feelings were in the opposite direction. He had to decide as a councilman whether to give a merchant the privilege that the law gave him, or to comply with the sincere wishes of the people adjoining the property. Councilman Long stated the Council had followed the recommendation of the Planning Commission in most instances, The Mayor expressed sympathy for the people in this area as to their problem. He stated the Planning Commission had gone over this matter very thoroughly and had recommended that the Council grant the change, and the 7-11 Stores would keep this business on a very high standard. He asked that those who favored upholding the recommendation of the Planning Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Thompson, White, Mayor McAden  
Noes: Councilman Pearson

The Mayor announced that the change had been granted and that the City Attorney would draw the necessary ordinance.

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BEAL STONE

1810 Chicon Street

From "C" Commercial  
To "C-1" Commercial  
RECOMMENDED by the Plan-  
ning Commission

The applicant had first applied for a "C-2" zoning, but amended the application for "C-1". The Mayor asked that those who favored upholding the recommendation of the Planning Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The Mayor announced that the change had been granted, and that the City Attorney would draw the necessary ordinance.

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JAMES R. ALLEN

1000 West 34th

From "C" Commercial  
To "C-2" Commercial  
NOT Recommended by the  
Planning Commission

Mr. Allen appeared in his own behalf, stating his building was 10x46 due to the necessity of setting-back 25'. He stated a package store would not mean as much traffic as a laundry that would have possibly 300 cars coming in and out a day. MR. M. E. CROCKETT spoke in Mr. Allen's behalf. MR. ALFRED SPANTON, 1002 W. 34th, spoke in opposition and objected to this building being erected so that when 34th is widened, a part of his building will have to be purchased. MR. JAMES SHAW spoke in opposition. Councilman Long wanted to

obtain more information on this before voting on it at this time. The Council deferred action on this application until the following week.

WALFRED T. JOHNSON

4811-15 Duval or  
501-507 E. 49th

From "A" Residence  
To "C" Commercial  
NOT RECOMMENDED by the Plan-  
ning Commission.

MR. MORRIS MOORE, Sales Manager for Payne & Wiley, represented Mr. Johnson, stating this property was on a traffic artery and the value of homes was decreased. MR. CLYDE A. MILLER spoke in opposition to any change, as did Mr. T. D. CARROL, 4907 Duval. MRS. FRED MILLER spoke in opposition, stating if this corner were made commercial, it would add danger to the little children that have to cross there going to school. The Mayor asked that those who favored upholding the recommendation of the Planning Commission and denying the change of zoning, to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The Mayor announced that the change had NOT BEEN granted.

MR. O. H. CUMMINGS, Electrical Contractor, spoke in behalf of the electrical contractors and as a taxpayer, and asked that the contracts on Brackenridge Hospital be separated for the following reasons: (1) under a general contract, the bonding capacity of some of the general contractors would be strained, and there might not be as many bids, (2) there would be closer coordination if it were a separate contract because the Superintendent of the Hospital could deal direct with the mechanical contractor and not have to deal through the general contractor; (3) the mechanical contracts will run 50% of the Hospital job, which means 50% of the job will be supervised by a contractor who has no actual knowledge of how the electrical work is being done, but he would profit on the initial cost and any change in plans; (4) if there is an out-of-town contractor, the mechanical contractors will have to send in their bids 24 hours ahead of time, and the bids might be exposed. He stated it cost around \$1,000 to make the estimates. Councilman Long was disappointed that it had been planned to take bids this way instead of separately, and she thought this was a matter of policy that the Council

should have decided upon. Councilman Thompson was interested in the amount that the City might save in the difference of letting this on a general contract basis or on a separate basis. Councilman White stated the general contractor was going to take some profit if he could get by with it, but it was up to the Council to see that he did not. He did not think the local contractors would have a chance to beat a general contractor's bid, as he had seen this happen a year before in the case of an excavation job. He thought by separating the bids, the city could save some money. Councilman Long stated she intended to vote to separate them. Councilman Thompson wanted to hear the reasons this was planned to be under one general contractor from the Engineers, the City Manager and the Architects. Councilman Pearson had talked to some different architects and builders and he felt that on a large contract like this, the contracts should be separate unless this was an exception, and he did realize the problem of coordination on the job to keep the hospital open. Councilman Thompson inquired if separating the contracts would affect the general contractors' bids. Mr. Cummings thought that could be possible. Councilman Long stated the contractor could still bid the whole job. MR. W. K. JENNINGS stated the mechanical contractors did not want to go through a third party, as they had their equipment and were ready to render service and would like to deal directly with their customers, and did not want someone else adding on a profit and controlling their action in carrying out a contract. He suggested employing an expert at \$15,000 to \$20,000 to coordinate, and that he would do the job better than anyone else, and that is a lot less than 10% or 5% of \$1,500,000. He thought there would be more bids from general contractors if the contracts were separated, as many contractors could make bonds for \$1,500,000 but not for \$3,000,000. This would keep the jobs in Austin. Mayor McAden stated this was participated in by the Federal Government, and the Architects had not been heard in this respect, and he suggested the matter be continued over until next Thursday. Councilman Long did not favor postponing it another week. Councilman Thompson asked if there would be other contractors in town who might want to bid on it if it were separated. He thought if that were the case, those other contractors would have to have sufficient time to submit their bids. After discussion, the Council deferred this matter until the following week.

MR. S. Z. SKINNER appeared in reference to his request for water to a lot in his subdivision. The Administrative Assistant explained a revision in figures from \$1,140 to \$580 in the drainage costs, a savings of \$560. Mr. Skinner stated he did not want to plat this acreage, but he was advised to do so. The Superintendent of the Water Department explained that the subdivision was submitted to the Planning Commission; but before it could be given final approval, arrangements for water, sewage or septic tanks, and utilities had to be made. He explained the plan proposed to furnish the water to the subdivision, but Mr. Skinner wanted to connect with a two inch line 200' from his property. Councilman Long asked Mr. Skinner if the City would extend the water on that 2" line and let him build that house; and if he built the second house and were denied water, would he feel injured because the City would not furnish the water. He stated he had told Mr. Davis that he would pay for 200' so that the City would not have to make

a refund by serving that house with water. If he wanted to build another house or two, he would expect the city to extend as much as 100' and he would pay for all water over 200'. Mr. Davis explained that this was not in line with the policy set down for new subdivisions.

MR. SKINNER stated that five years ago the Electric Department strung a line on the west side of his property--putting up eight poles--without a permit or without asking him anything about it. The Telephone Company also has a cable on those poles. He stated the City owed him five years' rent. Councilman White asked that information be obtained on this, as he would like to know about it. Councilman Long outlined Mr. Skinner's efforts to get this property zoned industrial, but it had been turned down, and she felt Mr. Skinner was entitled to some consideration from the City, and that this was a hardship case. Councilman Pearson felt that if the subdivision ordinance were followed, the Council should uphold the Engineering Department on this matter; also this is at the beginning of one of the finest residential sections of the City. Councilman Thompson stated if this were changed to industrial, the residents of this area would be damaged. After more discussion, the Mayor asked that Mr. Skinner give the Council another week to see if there could be some way to work this out for him, and he stated the matter of the easement on this property would be looked into.

The matter of opening Arroya Seca, Woodrow and Grover Streets was before the Council. Councilman Thompson recommended that an appraiser appraise the value of the land that will be consumed by opening Woodrow Street and the Joseph interests be offered the appraised price; and if no conclusion could be reached, then condemn the land and open Woodrow and let the rest of the streets go at the present until subdividing naturally develops. Councilman White moved that Mr. Joseph's proposition be taken up for all three of the streets and this extra acreage, as when you go to Court the matter will be prolonged, and it would cost more money than what he was asking for it. The motion was seconded by Councilman Long.

Discussion on the motion followed. Councilman Thompson stated the people would have more respect for the Council for buying land for what it was worth and doing it on the basis of saving the city some money. Councilman White thought the three streets would serve more people than the property purchased on Guadalupe at \$40,000. Councilman Long thought the Joseph offer was a fair price. Councilman Pearson stated the Josephs were asking the people to pay him \$11,500 to open those three streets. Undivided subdivisions in this area were valued at \$1,500 an acre; and if the Josephs would be willing to sell the property on all three streets for \$7,500 which would be the value of the property, he would like to vote to open all three of the streets. He could not see paying an excessive value on the property. Councilman Long outlined the commissioners' court's holdings and appraisals; and that on the recommendation of the City Manager, the Council opened Yeates Avenue, and she felt this was a mistake. MR. D. E. PARKE stated the Council was not in favor with the people, as the Josephs had offered to give the property free with the understanding he would not have to pave it. Councilman Thompson explained that subdividers paved their own property; and that if the City took over the expense of the development of this tract, pave it, etc., it would increase the value of the adjacent land and enhance the Joseph estate. He thought

the problem was to open Woodrow and get the access to the school. MR. PARKE did not think opening of Woodrow was the answer to the problem as a whole, as Brentwood School did not have an access street. Councilman White stated he had been working with the Joseph boys on this, and that the offer they made was the definite one; that he did not think the city could get by with less by condemning the property. He felt that the City needed the three streets and the school needed the park.

Councilman Thompson offered a substitute motion to Councilman White's motion by proposing to have an appraiser go out and tell us what that piece of land is worth through Woodrow and offer that amount of money to the Josephs; and if they accept it, buy it and open that street; if they do not, then immediately institute condemnation proceedings and get possession of the street and open it at the very first moment and pay the price.

Councilman Pearson suggested adding that while the appraiser was there to make an appraisal of all three streets.

Councilman Thompson then reworded his motion to include an appraisal of the value of Grover, Woodrow and Arroya Seca and the park area in a fashion that the actual value of Woodrow alone would be known, and not purchase the whole thing in one shot, but all of it together or any one of the three parts; and then offer Mr. Joseph the appraised price for only Woodrow; and if he does not accept it, then institute condemnation proceedings and proceed to open Woodrow.

Councilman Long inquired if the substitute motion carried, could Councilman White's motion be voted upon. The Assistant City Attorney stated it could not. She was anxious to receive a vote on the original motion of Councilman White. Councilman Thompson then withdrew his motion, and Councilman White's motion that Mr. Joseph's proposition be taken up for all three of the streets and this extra acreage, as when you go to Court the matter will be prolonged, and it would cost more money than what he is asking for it, was before the Council. Roll call showed the following vote:

Ayes: Councilmen Long, White  
Noes: Councilmen Pearson, Thompson, Mayor McAden

Councilman Pearson then moved that an appraiser be employed immediately to go and make an appraisal on No. 1--Woodrow; and then also Grover and Arroyo Seca, including the park area, so that the Council will have the opportunity of voting on one or all three. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

Councilman Thompson asked that the Airport Committee appointments be deferred until the next Council meeting.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, only one bid in the amount of \$25.00 was received on September 8, 1953, at 10:00 A.M. on the sale of the buildings located at 1109 Flores Street, which consist primarily of a brick house, which bid was rejected; and,

WHEREAS, Joe Castillo, Sr., the former owner of such premises has offered to pay the City of Austin \$250.00 for said buildings in accordance with the same conditions of sale as set out in the bid invitation for the sale of said buildings; and

WHEREAS, the Director of Public Works and the Acting City Manager have recommended the sale of such buildings to the said Joe Castillo, Sr.; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the said Joe Castillo, Sr. be and the same is hereby accepted and W. T. Williams, Jr., Acting City Manager, is hereby authorized and directed to execute a contract of sale of said buildings, on behalf of the City of Austin, with the said Joe Castillo, Sr.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 8, 1953, no bids were received in reply to the invitation for bids on the buildings located at 1005 Clermont Street, which consist primarily of a concrete wall house; and,

WHEREAS, E. M. Fincher had offered to pay the City of Austin \$66.00 for all salvagable material in said buildings; and,

WHEREAS, the Director of Public Works and the Acting City Manager have recommended the sale of such materials to the said E. M. Fincher, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offer of the said E. M. Fincher be and the same is hereby accepted, and W. T. Williams, Jr., Acting City Manager is hereby authorized and directed to execute a contract of sale of said materials, on behalf of the City of Austin, with the provision that said concrete walls will not be required to be torn down, with said E. M. Fincher.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., Acting City Manager, is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Travis County Water Control and Improvement District No. 5 providing for the sale and delivery of water by the City of Austin to the District, for the management of the affairs of said District, for the construction by the District of a reservoir, and for the payment of rentals by the City to the District for the use of such reservoir, all as more fully set out in such contract, a copy of which accompanies this Resolution and has been marked for identification by the City Clerk.

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep such copy of said contract in the permanent files of the City Clerk. (On File Under WATER CONTROL AND IMPROVEMENT DISTRICT NO. 5 - Contract File No. 735-C )

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Winifred Nord has made application in writing for permission to use and maintain in her residence a day nursery school, complying with all City and State regulations, on Lot 28, Block 2, Outlot 77, Division D, in Lakeview Addition in the City of Austin, Travis County, Texas, same being on the north side of West 37th Street and locally known as 408 West 37th Street, which property is located in an "A" Residence District and under Section #4, Item 13a of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use and maintenance of a day nursery school at the location described above be granted to Mrs. Winifred Nord.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main across SOUTH CONGRESS AVENUE, at a point 105 feet south of Alpine Road.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (2) A gas main in SOUTH CONGRESS AVENUE, from a point 6.5 feet west of the east property line of said SOUTH CONGRESS AVENUE and 105 feet south of Alpine Road northeasterly to a point 13.5 feet north of the south property line of said Alpine Road.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (3) A gas main in ALPINE ROAD, from South Congress Avenue easterly to a point 10 feet east of the M.P.R.R. Right-of-Way, the centerline of which gas main shall be 13.5 feet north of and parallel to the south property line of said ALPINE ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

- (4) A gas main in NORTH STREET, from a point 152 feet east of Lyman Place, easterly 66 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said NORTH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such

information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The Acting City Manager submitted the following:

"September 22, 1953

"Memorandum to: W. T. Williams, Jr., Acting City Manager

Memorandum from: C. G. Levander, Director of Public Works

Subject: Colorado River Sanitary Interceptor Sewer

"Following is a tabulation of the bids received Tuesday, September 22, 1953 at 10:00 A.M., for the construction of a Sanitary Interceptor Sewer located more or less along the north bank of the Colorado River from Canterbury Lift Station to Shoal Creek:

Enix Construction Company	\$258,827.15
Roger Smith	268,783.50
Joe Bland Construction Co.	269,525.00
Karl Wagner, Eng. Constr. Co.	420,237.50
City's estimate	283,125.00

"The Enix Construction Company's bid of \$258,827.15 is low and I recommend that they be awarded the contract.

"(Sgd) C. G. Levander"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 22, 1953, for the construction of a Sanitary Interceptor Sewer to be located more or less along the north bank of the Colorado River from Canterbury Lift Station to Shoal Creek; and,

WHEREAS, the bid of Enix Construction Company in the sum of \$258,827.15 was the lowest and best responsible bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Enix Construction Company in the sum of \$258,827.15 be and the same is hereby accepted, and W. T. Williams, Acting City Manager, of the City of Austin, is hereby authorized and directed to execute a contract on behalf of the City with the Enix Construction Company.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN AND WITHIN FIVE MILES THEREOF, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING A SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL SEPTEMBER 10, 1953, AND IS RECORDED IN ORDINANCE BOOK "S" OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 20, OF SAID ORDINANCE RELATING TO STREET CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the opening, construction and maintenance of an additional street, highway, and freeway in the City of Austin extending from its north limits to its south limits, said street, highway and freeway being commonly known as "Interregional Highway"; and,

WHEREAS, the City Council has found that public necessity requires the establishment of parkways and parks in areas adjacent to said street, highway and freeway; and,

WHEREAS, the City Council has found and determined that the hereinafter described land is suitable for such purposes, and that it is necessary to acquire said land for such street, highway, and freeway, and for a parkway and park adjacent thereto; and,

WHEREAS, the City of Austin has negotiated with the owner of such land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Acting City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

West two-thirds of Lot 7, Block 1 of the Elm Grove Addition, a subdivision of Outlots 54 and 55, Division "O", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of the said Elm Grove Addition being of record in Book 2, page 241, Plat Records of Travis County, Texas, being all of that portion of Lot 7, Block 1 which was conveyed to Ignacio Galvan and wife, Soledad Galvan by warranty deed dated November 21, 1947, of record in Volume 877, page 160, Deed Records of Travis County, Texas.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 14th day of September, 1953, bids were received by the City of Austin for furnishing oils and greases, regular gasoline, fuel oil, and kerosene to the City for the twelve months period beginning October 1, 1953; and,

WHEREAS, the bid of Gulf Oil Company in the sum of \$7,130.35 was the lowest and best bid for furnishing oils and greases; and

WHEREAS the bid of Jack Ritter in the sum of \$61,060.75 was the lowest and best bid for furnishing regular gasoline; and,

WHEREAS, the bid of Jack Ritter in the sum of \$3,225.00 was the lowest and best bid for furnishing fuel oil; and,

WHEREAS, the bid of Independent Oil Company in the sum of \$3,045.00 was the lowest and best bid for furnishing kerosene; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said bids of Gulf Oil Company, Jack Ritter and Independent Oil Company be and the same are hereby accepted, and W. T. Williams, Jr., Acting City Manager, is hereby authorized to enter into contracts with said parties for the purchase of oils and greases, regular gasoline, fuel oil, and kerosene, for the twelve months period beginning October 1, 1953.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 14th day of September, 1953, bids were received by the City of Austin for furnishing medical gases to Brackenridge Hospital, furnishing oxygen and acetylene for shops and furnishing hydrogen for the power plant, for a twelve month period beginning October 1, 1953; and,

WHEREAS the bid of Capitol Welding Supply Company in the sum of \$10,275.78 was the lowest and best bid for furnishing medical gases to Brackenridge Hospital; and,

WHEREAS the bid of Austin Oxygen Company in the sum of \$655.74 was the lowest and best bid for furnishing oxygen and acetylene for the shops; and,

WHEREAS, the bid of Capitol Welding Supply Company in the sum of \$380.00 was the lowest and best bid for furnishing hydrogen for power plant; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said bids of Capitol Welding Supply Company and Austin Oxygen Company be and the same are hereby accepted, and W. T. Williams, Jr., Acting City Manager, is hereby authorized to enter into contracts with said parties for the purchase of medical gases, oxygen and acetylene, and hydrogen, for the twelve month period beginning October 1, 1953.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING SECTIONS 22(e), 22(f), AND 26(a) RELATING TO ONE-HOUR PARKING, TWO-HOUR PARKING, AND ANGLE PARKING LOCATIONS RESPECTIVELY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The ordinance was read the second time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The ordinance was read the third time and Councilman Thompson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 2, OF SAID ORDINANCE RELATING TO PARKING METER ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The ordinance was read the second time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The ordinance was read the third time and Councilman Thompson moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Okie Heights Annex" approved by the City Planning Commission of the City of Austin on August 20, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Thompson, carried by the following vote:  
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the east side of Airport Blvd. as a private gasoline plant, which property is owned by C. J. Martin & Sons, and is designated as the north part of W. J. Perlitz 1.22 acre tract in the City of Austin, Travis County, Texas, and hereby authorizes the said C. J. Martin & Sons to operate a private gasoline

plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said C. J. Martin & Sons has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
September 24, 1953

"Mr. Walter E. Seaholm  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of C. J. Martin & Sons, through their representative, W. J. Perlitz, for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Airport Blvd., which property is designated as the north part of W. J. Perlitz 1.22 acre tract in the City of Austin, Travis County, Texas, and locally known as 1181 Airport Blvd.

"This property is located in "E" Heavy Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

"(3). That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4). That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,  
(Sgd) J. C. Eckert  
Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:  
 Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
 Noes: None

Councilman Pearson inquired about parallel parking on the west side of the Post Office. The Administrative Assistant said the Post Master favored parallel parking there. Councilman Long thought more parking spaces would be available by angle parking.

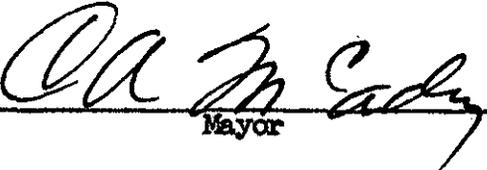
As to the appraiser to be appointed as authorized earlier in the meeting, the Council suggested first MR. HAROLD LEGGE; and if he could not get to the matter, then MR. BEN KING.

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Planning Commission:

VIRGIL SOUTHWORTH	1910 East 1st Street	From "C" Commercial To "C-1" Commercial
RALPH OAKLEY	2801-13 Webberville Road and 2600-2704 Lyons Road (ne cor. Webberville Road and Lyons Road.	From "A" Residence To "C-2" Commercial

There being no further business, the Council adjourned at 5:40, subject to the call of the Mayor.

APPROVED

  
 Mayor

ATTEST:

  
 City Clerk